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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAYSHAWN JENKINS, an
individual, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

AMAZON.COM SERVICES,
LLC, a foreign limited liability
company; and DOES 1-50,
inclusive,

Defendants.

Case No. 2:24-CV-01562

**STIPULATION TO EXTEND TIME FOR
PLAINTIFF'S RESPONSE AND
DEFENDANT'S REPLY TO
DEFENDANT'S MOTION TO DISMISS
AND/OR STAY THE CASE**

(THIRD REQUEST)



1 Plaintiff Rayshawn Jenkins and Defendant Amazon.Com Services LLC
2 (collectively “Parties”), by and through their undersigned counsel, hereby stipulate,
3 agree, and request that the previous deadlines for Plaintiff to respond to Defendant’s
4 Motion to Dismiss and/or Stay the Case (“Motion”) [ECF Nos. 30 & 31] and for
5 Defendant to reply in support of its Motion be extended up to and including November
6 15, 2024, for Plaintiff and up to and including December 2, 2024, for Defendant.

7 1. Plaintiff’s responses (“Responses”) to Defendant’s Motion to Dismiss
8 And/or Stay the Case was originally due to be filed on November 1, 2024.
9 Defendant’s original deadline to reply was November 8, 2024.

10 2. The Parties stipulated to an extension of these deadlines (first request) on
11 November 1, 2024, which the Court granted the same day. [ECF Nos. 24, 36.]
12 Pursuant to the stipulated extension, Plaintiff’s Responses were due to be filed one
13 week later on November 8, 2024, and Defendant’s deadline to reply was extended to
14 November 20, 2024.

15 3. The Parties then stipulated to a second extension of these deadlines on
16 November 12, 2024, which the Court granted on the following day, November 13,
17 2024. [See ECF Nos. 37, 38.] Pursuant to this second extension, Plaintiff’s Responses
18 were due to be filed on the same day of the stipulation (November 12, 2024), whereas
19 Defendant’s deadline to reply was extended to November 25, 2024.

20 4. Unfortunately, due to the same reasons articulated in the second
21 extension – the ongoing medical caregiving responsibilities of Plaintiff’s counsel – as
22 well as the departure of a legal associate on October 25, 2024, Plaintiffs’ counsel has
23 had limited work availability, while at the same time having to take over responsibility
24 for new work matters left by the departed associate. Some of these new matters also
25 have time-sensitive deadlines. For example, Plaintiff’s counsel is responsible for
26 filing a significant motion for conditional certification today that was previously
27 assigned to the now-departed associate. Pursuant to Local Rule LR IA 6-1(a), the
28



1 failure of Plaintiff's counsel to meet the extended deadline has been the result of
2 excusable neglect beyond his control. Plaintiff in this case should not be prejudiced
3 by the exigent personal and professional circumstances of undersigned counsel.

4 5. Despite limited work availability and expanded work responsibilities,
5 Plaintiff's counsel has navigated this Scylla and Charybdis to devote most of his work
6 focus and energy on Plaintiff's Responses, but there still has been insufficient time to
7 adequately respond to Defendant's Motion. Plaintiff contends the Responses required
8 in this case are more complicated than most because there are two other pending cases
9 involved, one of which certified a question to the Nevada Supreme Court, as well as
10 previous litigation against Amazon, all of which are germane to Defendant's Motion.
11 Adequately responding to Defendant's Motion has thus required the assimilation of
12 three court dockets (two in the District Court of Nevada, one in the Nevada Supreme
13 Court), as well as the nine-year history of the previous litigation.

14 6. Plaintiff's counsel has worked as diligently and conscientiously as
15 possible on Plaintiff's Responses since the last extension, and the Responses will be
16 filed today (regardless of their final shape or condition). Plaintiff's counsel
17 respectfully requests that the Court extend the current stipulated deadline to today,
18 November 15, 2024, which represents a three-day extension from the last extended
19 deadline. Defendant does not oppose this brief extension.

20 7. The Parties further agree to a brief extension for Defendant's reply from
21 thirteen (13) days to seventeen (17) days following Plaintiff's Responses because of
22 the upcoming Thanksgiving holiday.

23 8. Neither of these brief extensions will unduly delay this action or
24 prejudice either party.

25 9. Whereby the Parties hereby stipulate to extend Plaintiff's deadline to file
26 his Responses up to and including November 15, 2024, and to extend Defendant's
27 deadline to file its reply up to and including December 2, 2024.

1 10. This request is made in good faith and not for the purpose of delay.
2 Dated this 15th day of November, 2024.

3
4 /s/ Jason Kuller
Jason Kuller, Esq.
5 Robert Montes, Jr., Esq.
Rachel Mariner, Esq.
6 RAFII & ASSOCIATES, P.C.

7 Attorneys for Plaintiff
RAYSHAWN JENKINS

/s/ Bradley J. Hamburger (with
permission)
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Attorneys for Defendant
AMAZON.COM SERVICES LLC

11 **IT IS SO ORDERED.**

12
13 **Dated:** November 25, 2024

14 
15 **UNITED STATES DISTRICT JUDGE**

CERTIFICATE OF SERVICE

I hereby certify that, on the date shown file stamped above, I electronically filed the foregoing pleading with the United States District Court of Nevada using the CM/ECF document filing system and that, to the best of my knowledge, it was served on all parties registered as CM/ECF users in this case.

/s/ Jason Kuller

Jason Kuller

Of Counsel

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